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5 **UNITED STATES DISTRICT COURT**
6 **DISTRICT OF NEVADA**
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8 JOHN B. ODOMS,

9 *Plaintiff,*

10 vs.

11 STATE OF NEVADA, *et al.*

12 *Defendants.*
13

2:10-cv-01785-JCM-RJJ

ORDER

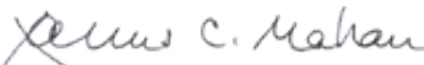
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15 Plaintiff has filed a civil rights complaint. Neither a filing fee nor an application to
16 proceed *in forma pauperis* was submitted with the complaint. The action in any event is not
17 cognizable under 42 U.S.C. § 1983, because plaintiff is seeking to challenge the validity and
18 duration of his confinement, with plaintiff expressly seeking modification of his sentence.
19 *See, e.g., Heck v. Humphrey*, 512 U.S. 477, 114 S.Ct. 2364, 129 L.Ed.2d 383 (1994).

20 IT THEREFORE IS ORDERED that this action shall be DISMISSED without prejudice
21 to the filing of a new properly commenced action with either the required filing fee or a
22 properly completed application to proceed *in forma pauperis*.

23 The clerk shall send plaintiff two copies each of an *in forma pauperis* application form
24 for a non-prisoner, a blank noncapital Section 2254 petition form, and a blank Section 1983
25 complaint form, along with the instructions for each form and a copy of the complaint.

26 The clerk shall enter final judgment accordingly.

27 DATED December 21, 2010.

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JAMES C. MAHAN
United States District Judge